

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HOWARD JOHNSON  
INTERNATIONAL, INC.,

Plaintiff,

v.

AYAAN GROUP, LLC, et al.,

Defendants.

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CIVIL ACTION NO. 16-1247 (JLL)

**OPINION**

**THIS IS** an action to recover damages for the alleged breach of a hotel franchise agreement. (See *dk.* 1.)<sup>1</sup> The plaintiff alleges that the defendants — Ayaan Group, LLC, and Israt Hussain — “unilaterally terminated the franchise agreement by ceasing to operate the facility as a Howard Johnson® guest lodging facility”. (*Id.* at 5.)

**THE CLERK OF THE COURT** has entered default in favor of the plaintiff and against the defendants in accordance with Federal Rule of Civil Procedure (hereinafter, “Rule”) 55(a). (See entry following *dk.* 6.)

**THE PLAINTIFF** now moves pursuant to Rule 55(b)(2) for the entry of default judgment against the defendants. (See *dk.* 7.) The plaintiff has submitted proof of damages in support of the motion. (See *dk.* 7 – *dk.* 7-3.) In addition, the plaintiff has

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<sup>1</sup> The Court will refer to documents by the docket entry numbers and the page numbers imposed by the Electronic Case Filing System.

demonstrated that it has: (1) notified the defendants about the entry of default; and (2) served the motion papers upon the defendants. (See dkt. 7 at 4; dkt. 7-2 at 12.)

**THE DEFENDANTS** have not opposed the motion, even though the time to do so has elapsed. The Court's independent research reveals that the defendants do not have any pending petitions for bankruptcy protection, and thus the defendants could have responded to the motion.

**THE COURT** will decide the motion without oral argument. See L.Civ.R. 78.1(b). The Court will grant the motion, because the Court's review of the supporting papers reveals that the plaintiff has demonstrated entitlement to relief.

**THE COURT** notes that the defendants have an available avenue to contest the entry of default judgment, if appropriate. See Fed.R.Civ.P. 55(c) (stating court "may set aside a final default judgment under Rule 60(b)"); see also Fed.R.Civ.P. 60(b) (setting forth grounds for relief from a final judgment). For good cause appearing, the Court will issue an appropriate order and judgment.



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**JOSE L. LINARES**  
United States District Judge

Dated: September 6th, 2016